1651

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Application Number	09/716,841
Filing Date	November 17, 2000
First Named Inventor	BRIESEWITZ, ROGER
Group Art Unit	1651
Examiner Name	NAFF, DAVID M.
Total Number of Pages in This Submission	14
Attorney Docket Number	STAN-130

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  - ☒ Affidavits/declaration(s)
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- ☐ Information Disclosure Statement
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- ☐ Response to Missing Parts/ Incomplete Application
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- ☐ Assignment Papers *(for an Application)*
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- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below):* **Return receipt postcard**

Remarks

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Firm or Individual Name	**BRET E. FIELD, Reg. No. 37,620**
Signature	
Date	**October 29, 2002**

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Declaration Under 1.132 Address to: Assistant Commissioner for Patents Washington, D.C. 20231		
	Attorney Docket Confirmation No.	STAN-130
	First Named Inventor	Briesewitz
	Application Number	09/716,841
	Filing Date	November 17, 2000
	Group Art Unit	1651
	Examiner Name	D. Naff
	Title	Bifunctional Molecules Having Modulated Pharmacokinetic Properties and Therapies Based Thereon

Dear Sir:

I, Dr. Roger Briesewitz, do hereby declare as follows:

I am a co-inventor of the above captioned patent application.

I am a co-author of the research publication: Briesewitz et al., Proc. Nat'l Acad. Sci. USA (March 1999) 96:1953-1958.

The presently pending claims have been rejected under 35 U.S.C. 103(a) as made obvious by the publication of Briesewitz *et al.* (1999), in combination with supplemental references.

The cited published article was a description, in part, of the invention conceived by myself, and as such, is not a publication by another. The article lists as co-authors Thomas Wandless and Gerald Crabtree, who are named as co-inventors, and Gregory Ray, who is not named as co-inventors.

As set forth by the court in *In re Katz*, 215 U.S.P.Q. 14; and MPEP §715.01(c), authorship of an article by itself does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. Thus, coauthors may not be presumed to be coinventors merely from the fact of coauthorship.

The conceptualization of these experiments and the formulation of the invention were the work of myself and my coinventors, Thomas Wandless and Gerald Crabtree.

Gregory Ray was operating under the direction of myself and/or my listed coinventors and therefore did not make an inventive contribution to the subject matter claimed in the present application.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 10/24/02

By _____
Roger Briesewitz, Ph.D.

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REPONSE TO PAPER NO. 8 Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket Confirmation No.	STAN-130
	First Named Inventor	Briesewitz
	Application Number	09/716,841
	Filing Date	November 17, 2000
	Group Art Unit	1651
	Examiner Name	D. Naff
	Title	Bifunctional Molecules Having Modulated Pharmacokinetic Properties and Therapies Based Thereon

Dear Sir:

This amendment is responsive to the Office Action dated July 30, 2002.

Please amend the above-identified application as follows.

In the Claims:

16. (Once Amended) A method for modulating at least one pharmacokinetic property of a drug upon administration to a host, said method comprising:

subB'
A

administering to said host an effective amount of a bifunctional molecule of less than about 5000 daltons consisting of said drug or an active derivative thereof and a pharmacokinetic modulating moiety, wherein said bifunctional molecule has at least one modulated pharmacokinetic property upon administration to said host as compared to a free drug control that comprises said drug;

whereby at least one pharmacokinetic property of said drug upon administration to said host is modulated as compared to a free drug control.